

EXHIBIT C

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<p style="text-align: right;">Page 73</p> <p>1 your car when you saw him gesturing?</p> <p>2 A. That is when I took my car towards the</p> <p>3 commotion. And once I identified it was Abrams, I</p> <p>4 took my patrol car up and ahead of the other</p> <p>5 gentleman and stopped him, and that is -- I got out</p> <p>6 of my car and approached the male.</p> <p>7 Q. Did you pull into the parking lot at</p> <p>8 any point?</p> <p>9 A. No.</p> <p>10 Q. So when you say -- did you pull over on</p> <p>11 Route 40, is that how you pulled over?</p> <p>12 A. No, I was on Route 40. I just -- at</p> <p>13 walking pace basically and once -- I was guiding</p> <p>14 myself towards the commotion.</p> <p>15 Q. Were you in your car, though?</p> <p>16 A. In the patrol car still, yes.</p> <p>17 Q. What road were you on?</p> <p>18 A. Route 40.</p> <p>19 Q. That is what I was asking.</p> <p>20 A. Right.</p> <p>21 Q. You were on Route 40 when you noticed</p> <p>22 the gentlemen running through the parking lot,</p> <p>23 right?</p> <p>24 A. Correct.</p> <p>25 Q. And did you have to pull over to the</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. And what was Officer Abrams doing when</p> <p>2 he told you to follow that male or stop that male?</p> <p>3 A. He was still running.</p> <p>4 Q. And was he still in the parking lot?</p> <p>5 A. Yes.</p> <p>6 Q. And when Officer Abrams told you to</p> <p>7 stop the other male, where was that other male?</p> <p>8 A. He had already been on Filbert,</p> <p>9 Filbert Avenue.</p> <p>10 Q. And you could still see him on Filbert</p> <p>11 Avenue?</p> <p>12 A. Yes.</p> <p>13 Q. Where was he running on Filbert Avenue?</p> <p>14 A. He was just running straight down the</p> <p>15 center of Filbert.</p> <p>16 Q. And was your car facing down Filbert</p> <p>17 Avenue or still facing south on Route 40 when you</p> <p>18 heard Officer Abrams tell you to stop the male?</p> <p>19 A. I was probably on both, turning onto</p> <p>20 Filbert.</p> <p>21 Q. At any point did you stop your car on</p> <p>22 Route 40?</p> <p>23 A. No.</p> <p>24 Q. Now you said you had slowed down and</p> <p>25 you were making the turn when Officer Abrams told</p>
<p style="text-align: right;">Page 74</p> <p>1 side of Route 40 a little bit, like is there a</p> <p>2 shoulder?</p> <p>3 A. No, there is no shoulder.</p> <p>4 Q. All right.</p> <p>5 A. No.</p> <p>6 Q. But you just slowed down and you were</p> <p>7 on Route 40?</p> <p>8 A. Correct.</p> <p>9 Q. All right, and then were you still on</p> <p>10 Route 40 when you recognized Officer Abrams?</p> <p>11 A. Yes, yes. That is when I recognized</p> <p>12 him. I was on the corner of 40 and Filbert.</p> <p>13 Q. Okay, so when you reached the corner of</p> <p>14 40 and Filbert, you recognized in and around that</p> <p>15 time that the person in the tank top was Officer</p> <p>16 Abrams, right?</p> <p>17 A. Correct.</p> <p>18 Q. Okay, and is that the time and place</p> <p>19 when Officer Abrams said, "Stop that man"?</p> <p>20 A. Yes, that is when he said stop the</p> <p>21 male.</p> <p>22 Q. Did you have your windows down or up?</p> <p>23 A. Windows were down at that point. They</p> <p>24 were down a half block before that when I noticed</p> <p>25 the commotion going on.</p>	<p style="text-align: right;">Page 76</p> <p>1 you to stop the male. Is that fair to say?</p> <p>2 A. Yes.</p> <p>3 Q. And what did you do after Officer</p> <p>4 Abrams told you to stop the male?</p> <p>5 A. I accelerated after the guy in the</p> <p>6 gray sweats.</p> <p>7 Q. And did you go down Filbert Avenue?</p> <p>8 A. Correct.</p> <p>9 Q. What did Officer Abrams do as you were</p> <p>10 making your way down Filbert Avenue, if you know?</p> <p>11 A. I believe he was just running, he was</p> <p>12 still running after.</p> <p>13 Q. And on the night of this incident were</p> <p>14 you in a police uniform?</p> <p>15 A. Yes.</p> <p>16 Q. How long was it before you reached the</p> <p>17 male that was running after you made the turn on</p> <p>18 Filbert Avenue?</p> <p>19 A. 30 seconds or so, maybe.</p> <p>20 Q. How many blocks off of Route 40 did the</p> <p>21 white male in the gray sweat suit get to before you</p> <p>22 were able to stop him?</p> <p>23 A. The first -- at the end of the first</p> <p>24 block. He was almost at the intersection of Trenton</p> <p>25 Avenue.</p>

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1 Q. So sometime before the intersection of
2 Trenton Avenue and Filmore?
3 A. Filbert.
4 Q. I mean Filburn.
5 A. Yes.
6 Q. You were able to stop the person in the
7 gray sweat suit?
8 A. Yes.
9 Q. Explain to me how you did that.
10 A. Just pulled the patrol car in front of
11 his path, jumped out of my car and approached him.
12 Q. So you had to actually pass him,
13 correct?
14 A. Yes, correct.
15 Q. So you were driving down Filburn,
16 correct?
17 A. Correct.
18 Q. And you actually were able to pull past
19 the person who was in the gray suit running down
20 Filburn, right?
21 A. Correct.
22 Q. And then turn your car in front of him
23 to block him, right?
24 A. Correct.
25 Q. And when you were able to turn your car

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1 in front of the person in the gray sweat suit and
2 block him, it would have been in and around the area
3 of Filburn and Trenton, right?
4 A. Correct.
5 MS. CONTE: Just so we are clear, it
6 is Filbert.
7 A. Filbert.
8 Q. My apologies.
9 Now after you pulled your car in front
10 of the person on Filbert and Trenton, what did you
11 do?
12 A. I immediately jumped out of the car
13 and ran to the side that he was on and approached
14 the male.
15 Q. When you ran to the side to approach
16 the male, what was the male doing?
17 A. He was still running but at a slower
18 pace. As he was running up to my patrol car, he
19 just -- he was in the state of confusion, didn't
20 know what to do. And I said, "Put your hands behind
21 your back."
22 Q. So when you were able to pull up in
23 front of the person in the gray sweat suit, you were
24 able to get some distance on him, right?
25 A. Not too much distance, just enough not

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1 to hit him with the vehicle.
2 Q. But enough so that when you got out of
3 the car he was still running?
4 A. Yes, I had to run around my patrol
5 car. He was at the rear of my patrol car. I got
6 out and ran around.
7 Q. Did he try to run around your patrol
8 car?
9 A. No.
10 Q. He ran right into your patrol car,
11 right?
12 A. If he kept running he would have ran
13 into my patrol car.
14 Q. Right, and then when you got out of
15 your car though, it is your testimony he was still
16 full on running, right?
17 A. Yeah, because when I got there he was
18 at the rear of my patrol car, and I got out and met
19 him at the front of the patrol car.
20 Q. So when you passed him when you went
21 down Filbert, you were able to at least get --
22 A. A car-length.
23 Q. -- a car-length on him before you
24 turned in front of him, right?
25 A. Correct.

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1 Q. Okay, and then he stopped once he
2 couldn't go any further unless he were to try to go
3 around the police car, right?
4 A. Correct.
5 Q. Did you say anything to him?
6 A. I said, "Place your hands behind your
7 back."
8 Q. Now you said he was in the state of
9 confusion. Describe what you mean by that.
10 A. He just -- he didn't know what to do
11 at that point. He didn't know -- it looked like he
12 was looking for an escape route. He didn't know --
13 he was just -- just bothered that I was there.
14 Q. Well, how was he bothered? What was he
15 doing that made you think that he was bothered?
16 A. Well, when I tried talking to him, he
17 was like not too comprehensive of what was going on,
18 I believe. And I gave him the order, Put your hands
19 behind your back, he just stood there. So then I
20 reached and grabbed the handcuff and put it on him.
21 Q. When you got out of your car you said
22 he was still running and then you sort of met -- you
23 came around the police car, right?
24 A. Correct.
25 Q. And then you sort of met him and he

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<p style="text-align: right;">Page 81</p> <p>1 stopped, right?</p> <p>2 A. Correct.</p> <p>3 Q. Did you tell him to put his hands up?</p> <p>4 A. I told him to put his hands behind his</p> <p>5 back.</p> <p>6 Q. Why did you tell him to put his hands</p> <p>7 behind his back?</p> <p>8 A. Because I was going to place him in</p> <p>9 handcuffs until I figured out what was going on.</p> <p>10 Q. And -- I am sorry?</p> <p>11 A. At this point I still didn't know if</p> <p>12 he was under arrest. I just placed him in custody</p> <p>13 until Officer Abrams came up to inform me of what</p> <p>14 was going on.</p> <p>15 Q. When you told him, Put your hands</p> <p>16 behind your back, what did he do?</p> <p>17 A. Hesitated, but then put his hands</p> <p>18 behind his back, and I was able to -- as soon as I</p> <p>19 started handcuffing him, Officer Abrams caught up to</p> <p>20 us at that point, and he got out of my -- the hold</p> <p>21 that I had on him and punched Officer Abrams at that</p> <p>22 time. And I couldn't secure the second-hand cuff.</p> <p>23 Q. Okay, did you say anything to the man</p> <p>24 in the gray sweat suit other than put your hands</p> <p>25 behind your back?</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. And did he mention anything to you</p> <p>2 about having had a rotator cuff surgery?</p> <p>3 A. Nothing.</p> <p>4 Q. Now at some point you said Officer</p> <p>5 Abrams came up, right?</p> <p>6 A. Correct.</p> <p>7 Q. He came up on foot?</p> <p>8 A. Correct.</p> <p>9 Q. He was not in his vehicle?</p> <p>10 A. No vehicle.</p> <p>11 Q. And did he come on the scene running or</p> <p>12 was he walking?</p> <p>13 A. He was running -- well, jogging, at</p> <p>14 that point.</p> <p>15 Q. And what happened when you came up to</p> <p>16 the scene jogging?</p> <p>17 A. The male I was placing into the</p> <p>18 handcuffs diverted his attention towards Officer</p> <p>19 Abrams and started a physical fight with him.</p> <p>20 Q. Well, let's break this down. How did</p> <p>21 the person in the gray sweat suit -- let me ask you</p> <p>22 this.</p> <p>23 You know who the person in the gray</p> <p>24 sweat suit is as you sit here today, though, right?</p> <p>25 A. Today, yes.</p>
<p style="text-align: right;">Page 82</p> <p>1 A. At that point, no.</p> <p>2 Q. Did he say anything to you?</p> <p>3 A. No.</p> <p>4 Q. You said, though, that he did comply</p> <p>5 and put his hand behind his back?</p> <p>6 A. Correct.</p> <p>7 Q. And you were able to get one cuff on</p> <p>8 his --</p> <p>9 A. Correct.</p> <p>10 Q. Which arm, left arm or right arm?</p> <p>11 A. I want to say it was his right arm. I</p> <p>12 am not 100 percent sure, though.</p> <p>13 Q. Did he ask you why you were putting a</p> <p>14 handcuff on him?</p> <p>15 A. He didn't say two words.</p> <p>16 Q. He said nothing to you?</p> <p>17 A. Not that I remember.</p> <p>18 Q. Okay, and when you put the handcuff on</p> <p>19 his arm, which direction was he facing?</p> <p>20 A. I will say he was facing south, like</p> <p>21 looking -- looking south like towards the ocean.</p> <p>22 Q. And which direction were you facing</p> <p>23 when you put the handcuff on him?</p> <p>24 A. I was facing south, as well, but</p> <p>25 standing behind him.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Okay, and that is Steven Stadler?</p> <p>2 A. Correct.</p> <p>3 Q. So I am going to refer to him as</p> <p>4 Steven Stadler.</p> <p>5 After you had Mr. Stadler in a handcuff</p> <p>6 and Mr. Abrams came up on the scene, what did</p> <p>7 Mr. Stadler do to start a fight with Mr. Abrams?</p> <p>8 A. He got out of my control. I had his</p> <p>9 hands behind his back and he like pushed off and</p> <p>10 started throwing punches at Officer Abrams.</p> <p>11 Q. Now you said you had both hands behind</p> <p>12 his back?</p> <p>13 A. Correct.</p> <p>14 Q. You had one hand in handcuffs?</p> <p>15 A. Correct.</p> <p>16 Q. You had the other hand behind his back</p> <p>17 and you were going to put it in a handcuff?</p> <p>18 A. Correct.</p> <p>19 Q. Is that right?</p> <p>20 A. Correct.</p> <p>21 Q. And as Mr. Abrams approached the scene,</p> <p>22 it is your testimony that he pushed off of you?</p> <p>23 A. Correct.</p> <p>24 Q. And please explain how he pushed off of</p> <p>25 you.</p>

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1 A. Just used physical force with the arm
2 that I had and just pushed off.
3 Q. So did he push you then?
4 A. Correct.
5 Q. So he pushed you back?
6 A. Correct.
7 Q. And you lost your grip?
8 A. Correct.
9 Q. And after Mr. Stadler pushed off of you
10 and pushed you back, what did he do?
11 A. He immediately threw a punch at
12 Officer Abrams.
13 Q. With what hand did he throw a punch?
14 A. I am not too sure about that. I am
15 trying to place -- I will say his right -- his right
16 arm.
17 Q. And was that the arm that he had a cuff
18 on?
19 A. I want to say yes, but I am not
20 100 percent on that.
21 Q. Okay, so it is your testimony that
22 after Mr. Stadler pushed off of you and pushed you
23 back, he swung on Mr. Abrams, you believe with his
24 right fist?
25 A. Correct.

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1 Q. And that right arm had a cuff on it
2 already?
3 A. Correct.
4 Q. The other arm did not have a cuff?
5 A. Did not.
6 Q. Did he make contact with Officer
7 Abrams?
8 A. I believe he did. It was just -- I
9 saw him throwing punches, I don't know if he landed
10 them.
11 Q. So how many punches did you see him
12 throw?
13 A. Like one to two.
14 Q. Okay, you saw him throw one or two
15 punches --
16 A. Correct.
17 Q. -- on Officer Abrams?
18 A. Correct.
19 Q. With the same hand or different hand?
20 A. Same hand.
21 Q. So two punches with the, what you
22 believe to be the right hand, you saw Stadler throw
23 onto Mr. Abrams?
24 A. Correct.
25 Q. And you don't know whether they made

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1 contact with Mr. Abrams?
2 A. I am not sure on that.
3 Q. All right, and what did Officer Abrams
4 do when Mr. Stadler punched him once or twice?
5 A. Immediately everyone was on the
6 ground. I don't know if it was a tackle, body
7 weight, just a scuffle.
8 Q. No, we are going to have to get there
9 somehow. What did you see Officer Abrams do?
10 MS. CONTE: Objection.
11 A. What did I see him do?
12 Q. Yes.
13 A. Go to the ground with the guy.
14 Q. How did he do it?
15 A. Like I said, I don't know if he
16 tripped and fell, I don't know if he tackled him. I
17 am not 100 percent on that part, but they ended up
18 on the ground.
19 Q. Okay, did you see Officer Abrams take
20 Mr. Stadler to the ground?
21 A. I don't recall how it was done.
22 Q. Well, did you see Mr. Stadler take
23 Officer Abrams to the ground?
24 A. It was like a mutual.
25 Q. Well, describe to me what you saw --

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1 A. I just --
2 Q. -- to the best of your ability.
3 A. I just --
4 Q. What you said is they were on the
5 ground somehow?
6 A. Right.
7 Q. You were standing there, right?
8 A. Correct.
9 Q. Your vision is not impaired?
10 A. Not at all.
11 Q. You are a police officer?
12 A. Yes.
13 Q. Is it your obligation and duty to
14 actually take note of these types of things and make
15 reports about them?
16 A. Correct.
17 Q. Okay.
18 A. But in an adrenaline dump, you don't
19 see -- you have tunnel vision. You don't see
20 everything that happens.
21 Q. I am not asking for every little
22 minutia of detail. These are kind of just basic
23 general ideas.
24 A. Right.
25 Q. You saw Mr. Stadler make two punches at

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1 him, you remember that?
2 A. One to two, correct.
3 Q. One to two. You remember specifically
4 Stadler trying to punch Officer Abrams, right?
5 A. Right.
6 Q. Okay --
7 A. But when you are scuffling with
8 somebody, how you end up on the ground, whether you
9 tripped or if you are deliberately taking him down,
10 I don't know exactly what his maneuver was.
11 Q. When you say his maneuver, what
12 maneuver? Who is he?
13 A. The other officer. I don't know if he
14 deliberately tackled him onto the ground or just the
15 momentum ended up on the ground.
16 Q. Okay, but you -- the next thing you
17 remember after you see Mr. Stadler try to swing on
18 Mr. Abrams one or two times, they were on the
19 ground?
20 A. Correct.
21 Q. That is the --
22 A. Yes.
23 Q. You don't know how they got to the
24 ground?
25 A. I don't remember.

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1 Q. Well, when you saw them on the ground,
2 in what position were they on the ground?
3 A. They just kept rolling around
4 exchanging punches, and that is when I intervened.
5 Q. They were rolling around exchanging
6 punches?
7 A. Correct.
8 Q. How -- I have a hard time envisioning
9 people rolling around and exchanging punches. So
10 were they prone on the ground, both of them?
11 A. No.
12 MS. CONTE: Object to the form.
13 You can answer.
14 A. Not prone at all.
15 Q. So describe to me how they were on the
16 ground.
17 A. They were both down on the ground
18 rolling around, like -- I don't know how else to
19 explain it. They were rolling on top of each other
20 to exchange strength with each other, to exchange
21 blows with each other.
22 And it was as if Mr. Stadler was trying
23 to escape. He just -- he was punching off Officer
24 Abrams to get out is what I believed, to get out of
25 the situation.

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1 Q. Okay, well, when they were rolling
2 around on the ground, describe for me where their
3 bodies were in relationship to each other.
4 A. At one point, Mr. Stadler would be on
5 his back, next thing you know, Abrams would be on
6 his back and Mr. Stadler would be on top. It was
7 like --
8 Q. When you say Mr. Stadler was on top,
9 was he actually in like a full mount position?
10 A. Yes.
11 Q. Okay, so he had both legs over either
12 side of Officer Abrams --
13 A. Yes.
14 Q. -- in a full mount position?
15 A. And vice versa.
16 Q. Did he swing on Officer Abrams when he
17 was --
18 A. It was a full out fight at that time.
19 Q. It was a full out fight?
20 A. Correct.
21 Q. Officer Abrams was on the ground on his
22 back, right?
23 A. Correct.
24 Q. And Stadler was mounted on top of him,
25 right?

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1 A. At one point, correct.
2 Q. At one point, and he was swinging --
3 A. Correct.
4 Q. Right?
5 A. Correct.
6 Q. And punching him in the face, right?
7 A. Correct.
8 Q. He was punching Abrams in the face?
9 A. I don't know where they were landing,
10 but he was physically throwing punches.
11 Q. Well, let's understand this. He was in
12 a full mount position, right?
13 A. Correct.
14 Q. Which means that he was looking right
15 at the front half, waist up to Abrams' head, right?
16 A. Right.
17 Q. So if he was throwing punches, it would
18 have had to be at his face, right?
19 A. Yes.
20 MR. FAIRBAIRN: Objection to form.
21 Q. Or his chest, right?
22 A. Correct.
23 Q. That is what you saw, right?
24 A. Correct.
25 Q. And you said it was a full on fight?

<p style="text-align: right;">Page 93</p> <p>1 A. Correct.</p> <p>2 Q. And how many times did they swap</p> <p>3 positions during this?</p> <p>4 A. Once apiece.</p> <p>5 Q. Okay, and so they did basically like a</p> <p>6 full roll?</p> <p>7 A. Correct.</p> <p>8 Q. Fair to say?</p> <p>9 A. Correct.</p> <p>10 Q. So when you noticed them, at one point</p> <p>11 there was -- Officer Abrams is in a full mount</p> <p>12 position on top of Mr. Stadler?</p> <p>13 A. Correct.</p> <p>14 Q. Hitting him with blows?</p> <p>15 A. Correct.</p> <p>16 Q. Punching him in the face?</p> <p>17 A. He was -- I didn't see where they</p> <p>18 landed, but he was throwing punches.</p> <p>19 Q. Well, if he was in a full frontal</p> <p>20 position --</p> <p>21 A. He was.</p> <p>22 Q. -- it wouldn't have been on his legs,</p> <p>23 right?</p> <p>24 A. Correct, but it wouldn't necessarily</p> <p>25 be on his face either, as well.</p>	<p style="text-align: right;">Page 95</p> <p>1 in the face, right?</p> <p>2 A. Correct.</p> <p>3 Q. And --</p> <p>4 MS. CONTE: Counsel, if we can just</p> <p>5 describe that for the record, since we have no Bates</p> <p>6 Stamp on that. We are looking at a photo of</p> <p>7 plaintiff Steven Stadler. It looks like one of the</p> <p>8 hospital photos. It is a color photo of his face.</p> <p>9 Do we have a Bates Stamp number?</p> <p>10 MS. BONJEAN: No, you guys provided</p> <p>11 this color version without a Bates Stamp, but I</p> <p>12 believe there is a black and white with a Bates</p> <p>13 Stamp, so let's refer to that. I think that is it,</p> <p>14 right?</p> <p>15 MS. CONTE: Yes.</p> <p>16 MS. BONJEAN: And that is R&R 538.</p> <p>17 Q. How long did the struggle between</p> <p>18 Officer Abrams and Mr. Stadler last while it was on</p> <p>19 the ground?</p> <p>20 A. Well, I immediately intervened also,</p> <p>21 and it was a few minutes.</p> <p>22 Q. Okay, before you intervened, they were</p> <p>23 on the ground rolling around, right?</p> <p>24 A. Correct.</p> <p>25 Q. How long did that portion of the</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. Fair enough. But we know -- well,</p> <p>2 here. Why don't we look at a picture. Maybe you</p> <p>3 can explain it to me.</p> <p>4 That is Mr. Stadler, right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay, and you can see that his left eye</p> <p>7 is black and blue and pretty much completely swollen</p> <p>8 shut, right?</p> <p>9 A. Correct.</p> <p>10 Q. And it is your testimony that that was</p> <p>11 done during the course of the struggle with</p> <p>12 Mr. Abrams?</p> <p>13 MS. CONTE: Object to the form.</p> <p>14 Q. That is a question. Was it done during</p> <p>15 the course of the struggle with Mr. Abrams?</p> <p>16 A. I don't know if that was or not.</p> <p>17 Q. Well, did you punch him in the face?</p> <p>18 A. I did not punch him in the face.</p> <p>19 Q. Okay, did you see Officer Devlin punch</p> <p>20 him in the face?</p> <p>21 A. I did not see that either.</p> <p>22 Q. Did you see any other police officer</p> <p>23 punch him in the face?</p> <p>24 A. I did not.</p> <p>25 Q. But you did see Mr. Abrams punching him</p>	<p style="text-align: right;">Page 96</p> <p>1 struggle last?</p> <p>2 A. Just a few seconds.</p> <p>3 Q. Enough for them to each get full mount</p> <p>4 position on each other and punch each other in the</p> <p>5 face?</p> <p>6 A. Correct.</p> <p>7 Q. Or some other part of the upper body?</p> <p>8 A. Correct.</p> <p>9 (Whereupon, Ms. Johnson-Stokes enters</p> <p>10 the deposition at 11:39 a.m.)</p> <p>11 Q. And during this period of time,</p> <p>12 Mr. Stadler still had one cuff on one of his arms,</p> <p>13 right?</p> <p>14 A. That is right.</p> <p>15 Q. On his right arm, right?</p> <p>16 A. Correct.</p> <p>17 Q. Now you said you intervened at some</p> <p>18 point?</p> <p>19 A. Correct.</p> <p>20 Q. What did you do?</p> <p>21 A. I immediately jumped in. I was trying</p> <p>22 to get him in a wrist lock. That wasn't working. I</p> <p>23 had started giving him knee strikes.</p> <p>24 Q. When you say you jumped in, describe to</p> <p>25 me how you jumped in.</p>

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1 A. Just immediately grabbed Mr. Stadler
2 trying to get him in control.
3 Q. Well, where was Mr. Stadler when you
4 tried to grab him?
5 A. They were on the ground with each
6 other still trying to -- he was just trying to break
7 control of Officer Abrams or whatever actions were
8 being taken.
9 Q. Well, where was Mr. Stadler when you
10 tried to grab him on the ground? Was he underneath
11 Mr. Abrams, on top of Officer Abrams or in some
12 other position?
13 A. Probably in some other position
14 because he kept spinning around. He kept -- he
15 was -- Mr. Stadler just kept spinning around.
16 Q. Well, you say he kept spinning around.
17 What do you mean he kept spinning around? I thought
18 they did one full turn. Were there more turns?
19 A. Oh, there were a couple more once I
20 intervened and had his wrist trying to get --
21 Q. I am not talking about once you
22 intervened. I am talking about where he was when
23 you tried to grab him. Was he still on the ground?
24 A. Yes.
25 Q. Okay, were his knees on the ground or

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1 were his knees --
2 A. Yes, his knees were on the ground, I
3 believe.
4 Q. When you say his knees were on the
5 ground, was he on his knees or were his knees flat
6 on the ground?
7 A. No, I believe he was on his knees at
8 that point.
9 Q. Okay, he was on his knees. And he was
10 upright on his knees?
11 A. Yes.
12 Q. When he was upright on his knees, where
13 was Officer Abrams in relationship to Mr. Stadler?
14 A. I believe he was upright on his knees
15 as well, trying to wrestle him to get custody of his
16 hands.
17 Q. And so they were both on their knees
18 erect?
19 A. Yes.
20 Q. And it is your testimony that Officer
21 Abrams was trying to get control of Mr. Stadler's
22 wrists to place him under arrest?
23 A. Yes.
24 Q. And Mr. Stadler was doing what when
25 Officer Abrams was trying to grab his wrists?

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1 A. Just kept wrestling out of control,
2 out of -- whether I intervened or Officer Abrams, he
3 just -- whoever would have -- trying to get that
4 hand cuffed, because the handcuffs are flying around
5 at this point and we are just trying to get him into
6 custody.
7 Q. Okay, well you said he was trying to
8 avoid getting his hands cuffed together, but what
9 was he doing to avoid that right at the time that
10 you intervened? Was he punching Officer Abrams?
11 A. At first he was and then he stopped.
12 And as we are trying to get his wrist, he would pull
13 out of our custody and --
14 Q. I am going to stop you. I prefer if
15 you didn't use the word "our" because then I don't
16 know who you are talking about, and then the record
17 is not clear and that doesn't help anybody, okay?
18 A. Okay.
19 Q. So if it is -- if you are referencing
20 your own conduct, reference yourself. And if you
21 are referencing another officer's conduct, it would
22 be helpful if you said who it is, the person that
23 you are referring to, okay?
24 A. Okay, both officers simultaneously
25 were trying to gain control of his wrists.

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1 Q. Okay, but I am not there yet. We will
2 get there, but I am not there quite yet.
3 When you went to grab him for the first
4 time, him being Mr. Stadler, which you testified to,
5 you said he was on his knees, right?
6 A. Correct.
7 Q. And so was Mr. Abrams, right?
8 A. Correct.
9 Q. And I believe your testimony was, but
10 correct me if I am wrong, that Mr. Stadler was
11 trying to avoid having his hands cuffed by Officer
12 Abrams, right?
13 A. Correct.
14 Q. Now can you describe whether or not
15 immediately prior to you intervening whether
16 Mr. Stadler was punching Officer Abrams, pushing
17 him? What was it that Mr. Stadler was doing to
18 avoid getting his hands cuffed immediately prior to
19 you coming in?
20 MS. CONTE: I am going to object.
21 Asked and answered.
22 But go ahead again.
23 A. Like I said, both officers were trying
24 to get control of his wrist. He was trying to not
25 allow us to. And then at a certain point he went to

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1 his back and started kicking at us.
 2 Q. Okay, well when you went to try to
 3 intervene, what did you do specifically?
 4 A. I specifically tried grabbing the
 5 loose handcuff that is on his wrist.
 6 Q. And when you tried to grab the loose
 7 handcuff that was on his wrist, Mr. Stadler was on
 8 his knees, right?
 9 A. He was originally on his knees, yes.
 10 Q. And where -- were you on your knees or
 11 were you on your feet, or what position were you
 12 when you tried to grab the flailing handcuff?
 13 A. I came standing over top of him trying
 14 to grab the handcuff.
 15 Q. And when you went to try to grab the
 16 handcuff as -- and the handcuff was going crazy,
 17 right?
 18 A. Yeah.
 19 Q. It was just wrily --
 20 MS. CONTE: Objection to form.
 21 MS. JOHNSON-STOKES: Objection.
 22 A. His wrist -- his body momentum was
 23 making the handcuff flail around.
 24 Q. Because he was moving his hands --
 25 A. Correct.

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1 Q. -- crazily, right?
 2 A. Correct.
 3 Q. Just throwing all types of blows at
 4 Officer Abrams, right?
 5 A. Correct.
 6 Q. And you were trying to grab this
 7 handcuff that was being whirling around as these
 8 punches were being thrown, right?
 9 A. Correct.
 10 Q. Were you successful?
 11 A. Not at first, no.
 12 Q. Okay, how long did that last where you
 13 were trying to grab the handcuff, the loose
 14 handcuff?
 15 A. I want to say the whole event is only
 16 two to three minutes, maybe.
 17 Q. Well, two to three minutes is a pretty
 18 long time actually.
 19 A. It is a real long time.
 20 Q. Right. So, but the portion when you
 21 were trying to grab -- I mean, I know it is
 22 difficult to estimate sometimes how long something
 23 takes, but did there come a time when you abandoned
 24 your effort to grab the handcuff that was flailing?
 25 A. Yes.

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1 Q. Okay, and what did you do then?
 2 A. That was when I heard Officer Devlin
 3 come in barking -- his dog barking, and he gave the
 4 command, "Stop resisting," or whatever their line
 5 is, "You will be placed into custody."
 6 And that is when I let go of the
 7 handcuff, and the dog came in and apprehended him,
 8 and he still wasn't complying.
 9 Q. I thought you mentioned something about
 10 him trying to kick you guys?
 11 A. Correct.
 12 Q. When did that happen?
 13 A. During the scuffle.
 14 Q. Okay, was it before or after you tried
 15 to grab the flailing handcuff?
 16 A. During.
 17 Q. So while you were trying -- so at some
 18 point he went from his knees to a different
 19 position?
 20 A. Correct.
 21 Q. Okay, and what position was it that he
 22 went to after he was on his knees?
 23 A. He was in like a sitting down, and
 24 then went to his back and he was kicking at us.
 25 Q. He was on his back kicking at you?

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1 A. Correct.
 2 Q. And what were you doing when
 3 Mr. Stadler was on his back kicking at you?
 4 A. I jumped -- like I said, I jumped down
 5 and started delivering knee strikes to him trying,
 6 you know, to calm him down or get him to comply so I
 7 could get grasp of that handcuff.
 8 Q. What was he doing with his hands that
 9 prevented you from grabbing it, you and Officer
 10 Abrams together grabbing his hands?
 11 A. He would put them behind when we were
 12 in front of him. He would roll over on top of them.
 13 We just couldn't get to his hand.
 14 Q. And you delivered knee strikes to him?
 15 A. Correct.
 16 Q. What part of his body did you deliver
 17 knee strikes to?
 18 A. If I recall, his leg, like his thigh
 19 area, and maybe possibly a rib area.
 20 Q. Right here in his rib area?
 21 A. Correct.
 22 Q. Pretty hard knee strikes, right?
 23 A. Yes.
 24 Q. And what was Officer Abrams doing when
 25 you were delivering knee strikes to him?

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1 MS. CONTE: Object to the form.
2 You can answer.
3 A. Just trying to maintain -- to get
4 grasp of his wrist to get those handcuffs on.
5 Q. Was he continuing to deliver strikes,
6 as well?
7 A. I think at that point is when the
8 canine intervened.
9 Q. Were there any other officers besides
10 yourself and Officer Abrams who were delivering
11 either knee strikes or strikes to Mr. Stadler during
12 this event?
13 A. No, just the ones we discussed, no
14 other officer.
15 Q. So it was just the two of you, right?
16 A. Myself and Abrams, correct.
17 Q. Right, and then Devlin came in with the
18 dog, correct?
19 A. Correct.
20 Q. There were no other officers on the
21 scene at that point, right?
22 A. No, correct.
23 Q. And now after you delivered these hard
24 knee strikes to the body area of Mr. Stadler, what
25 did you do?

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1 A. I was continuing to deliver the
2 strikes, hoping he would give up the hand that had
3 the handcuff on it, and that is when -- like I said,
4 the canine intervened at that point.
5 Q. How many knee strikes did you deliver
6 to his body area?
7 A. No more than three. A few.
8 Q. Did you use any mechanical force
9 against Mr. Stadler?
10 A. Just my knee strikes.
11 Q. Is a knee strike mechanical force?
12 A. No.
13 Q. And did you see Mr. Abrams use any
14 mechanical force against Mr. Stadler?
15 A. No mechanical force.
16 Q. And after you delivered roughly three
17 knee strikes, you said --
18 A. Correct.
19 Q. -- the canine was released?
20 A. Correct.
21 Q. Did you see Officer Devlin come on the
22 scene?
23 A. I did not see him come on the scene.
24 I heard him as he came up as we were in our scuffle.
25 Q. Did you make any radio transmissions

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1 during the course of this event?
2 A. I don't recall.
3 Q. You don't recall at any point making
4 any radio transmissions, either from the time you
5 approached and saw the two gentlemen running through
6 the parking lot to the time --
7 A. Yeah, I radioed communications and let
8 them know that I was on scene.
9 Q. Okay.
10 A. That is about as far as I remember
11 with radio transmissions.
12 MS. JOHNSON-STOKES: Excuse me,
13 Jennifer, I am going to relieve Morrison, so we will
14 let him pack up so we won't be disruptive, and then
15 we can proceed on with the deposition.
16 MS. BONJEAN: Sure.
17 (Whereupon, there is a break taken from
18 11:52 a.m. to 11:55 a.m. and Mr. Fairbairn leaves
19 the deposition.)
20 Q. Are you ready to continue, Officer
21 Moore?
22 A. Yes, ma'am.
23 Q. From the time that you saw the two men
24 running through the parking lot by the Knights Inn
25 to the time that you were able to get Mr. Stadler

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1 under control -- strike that question.
2 From the time that you saw the two men
3 running through the parking lot to the time that you
4 were able to stop Mr. Stadler on --
5 A. Filbert.
6 Q. -- how much time elapsed,
7 approximately?
8 A. From the original commotion I saw?
9 Q. Yes.
10 A. That was no more than a minute or two.
11 Q. Okay, and then would it be fair to say
12 you had Mr. Stadler stopped for less than a minute
13 before Mr. Abrams came up on the scene?
14 A. Yeah, yeah.
15 Q. Probably seconds, right?
16 A. Maybe 30 seconds or so.
17 Q. Okay, and then that is when Mr. Abrams
18 came on the scene and that is when the struggle
19 between Officer Abrams and Mr. Stadler ensued,
20 right?
21 A. Correct.
22 Q. How long were they struggling
23 approximately before you intervened?
24 A. No more than 30 seconds or so.
25 Q. And then how long was it that you were

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1 engaged with Mr. Stadler physically before the
 2 canine made this apprehension?
 3 A. Minute or two.
 4 Q. Okay, so the whole thing lasted pretty
 5 much less than five minutes you would agree?
 6 A. I would agree, no longer than that.
 7 Q. In fact, I think you said you thought
 8 it was two or three minutes, correct?
 9 A. Right.
 10 Q. I wasn't sure what the span of time,
 11 though, the two or three minutes was. But certainly
 12 the physical altercation between Mr. Stadler and
 13 Officer Abrams and yourself was in the two or
 14 three-minute range total, right?
 15 A. Yes.
 16 Q. Would it be fair to say that you did
 17 not have any further physical altercation with
 18 Mr. Stadler after the canine made the apprehension?
 19 A. I did not, no.
 20 Q. Do you know whether Officer Abrams had
 21 any other physical contact with Mr. Stadler after
 22 the canine made the apprehension?
 23 A. I don't recall that.
 24 Q. And when I say physical altercation, I
 25 mean above and apart putting handcuffs on him or

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1 effectuating the arrest. I am talking about
 2 resisting.
 3 A. Right, I don't remember.
 4 Q. Now where precisely were you when you
 5 heard Officer Devlin giving his warnings?
 6 A. I was down on my hands and knees
 7 trying to get that one hand with the handcuff.
 8 Q. And did you hear the warning before or
 9 after or during the time in which you were
 10 delivering strikes --
 11 A. After.
 12 Q. I am sorry?
 13 A. It was after that.
 14 Q. So after you delivered the knee strikes
 15 to Mr. Stadler's body, you heard the warnings from
 16 Officer Devlin?
 17 A. Correct.
 18 Q. And after you heard the warnings from
 19 Officer Devlin, what did you do?
 20 A. I backed up.
 21 Q. Did you hear Officer Devlin say,
 22 "Clear"?
 23 A. I don't recall. I just remember him
 24 saying, "Canine Officer," and I backed up because I
 25 figured he was either going to comply or the dog was

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1 going to apprehend him.
 2 Q. But you didn't want to be on the ground
 3 with Mr. Stadler when the canine got there, right?
 4 A. Correct, I didn't want to get bit.
 5 Q. Because you could have gotten bit just
 6 as easily as Mr. Stadler?
 7 A. Correct.
 8 Q. The dogs can't differentiate between
 9 the two of you, correct?
 10 A. Correct.
 11 Q. So by the time the dog made the
 12 apprehension, would it be fair to say that you were
 13 already on your feet and stepped aside or was it
 14 happening kind of simultaneously?
 15 A. I was probably getting up to my feet.
 16 I was probably still down on the ground backing up
 17 as it was taking place.
 18 Q. And as the apprehension was taking
 19 place, where was Mr. Abrams?
 20 MS. CONTE: Object to the form.
 21 A. I don't recall at that point.
 22 Q. Do you know if he was on the ground
 23 still struggling with Mr. Stadler?
 24 A. I think he still was. I backed up.
 25 Q. Okay, so it is your recollection that

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1 Officer Abrams was still engaged in a struggle with
 2 Mr. Stadler when the canine made its apprehension?
 3 A. Right, correct.
 4 Q. And you were on your way up and backing
 5 away --
 6 A. Correct.
 7 Q. -- at the time that the canine made its
 8 apprehension?
 9 A. Correct.
 10 Q. Now did you see the apprehension?
 11 A. I did not.
 12 Q. Okay, why not? Where were you?
 13 A. It -- when the dog was coming in, I
 14 was getting out of the way.
 15 Q. All right.
 16 A. I saw the dog come in and then that is
 17 all I saw.
 18 Q. Do you know the name of the canine?
 19 A. The dog?
 20 Q. Yes.
 21 A. I forget. I want to say it is either
 22 Murphy or Clancy.
 23 Q. And do you know what kind of dog it is?
 24 A. I think it is -- no, I am not
 25 100 percent positive, but it might have been